

EXHIBIT B

The Breen Law Firm, P.A.

Attorneys and Counselors At Law

James J. Breen
Member of Florida & Georgia Bars
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Member of Florida Bar

PLEASE REPLY TO:
The Florida Office

November 7, 2007

David S. Torberg
Jones, Day, Reavis & Pogue
51 Louisiana Avenue, N.W.
Washington, D.C. 20001-2133

RE: US ex rel. Ven-A-Care v. Abbott Laboratories
In re: Pharmaceutical Industry Average Wholesale Price Litigation,
MDL No. 1456, Civil Action No. 01-12257-PBS

Dear Mr. Torberg:

As a follow up to our meet and confer of October 31, 2007, I would like to offer the following compromise on behalf of Ven-A-Care. In order to avoid litigating the issues with the Court, without waiving any objections as to privilege and without revealing privileged communications or producing privileged documents, Ven-A-Care will answer Abbott's Fourth set of interrogatories as follows:

1. Interrogatory No. 20-Once Abbott provides a specific public disclosure that it contends Ven-A-Care's allegations are based upon, then Ven-A-Care will state the basis for Ven-A-Care's rebuttal position; that its action is not barred by 31 U.S.C. 3730(e). Depending on Abbott's contended "public disclosure", Ven-A-Care's answer may include its position that Ven-A-Care's qui tam action is not "based upon the public disclosure of allegations or transactions in a criminal, civil, or administrative hearing, in a congressional, administrative, or Government [General]Accounting Office report, hearing, audit, or investigation, or from the news media" as well as Ven-A-Care's position as "an original source of the information."
2. Interrogatory No. 21-Ven-A-Care will identify by bates number the documents relating to the interrogatory.
3. Interrogatory No. 22-Ven-A-Care will state the basis for its allegation that

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“Ven-A-Care attempted to alert the responsible state and federal government officials to the scheme being perpetrated by the Defendants. However, the government agencies lacked sufficient resources and expertise to adequately respond.” Ven-A-Care will identify specific state and government officials Ven-A-Care contacted as well as the approximate dates, locations and substance of those communications as well as identify relevant documents.

4. Interrogatory No. 23-Ven-A-Care will state the basis of its allegation that “Medicare and State Medicaid Programs are not aware of the prices actually paid for the [subject drugs] by the physician, clinic or pharmacy presenting the claim for payment” and the allegation that “the Defendants concealed from the Medicare and State Medicaid Programs price reductions occurring due to competition in the marketplace . . .” Ven-A-Care will also identify or produce documents relating to this interrogatory.
5. Interrogatory No. 24- Ven-A-Care intends to join the United States’ response to this interrogatory and will join with objections that are asserted by the United States. However, to the extent that Ven-A-Care has independent knowledge of information responsive to this interrogatory that information will be included in Ven-A-Care’s response to interrogatory number 23.
6. Interrogatory No. 25-To the extent that Ven-A-Care has independent knowledge of information responsive to this interrogatory, Ven-A-Care will answer the interrogatory.
7. Interrogatory No. 26-Ven-A-Care will state the basis of its allegation that as to Abbott “the Defendants have each knowingly and actively impeded the efforts of the Government: to arrive at reasonable estimates of acquisition cost in setting payment amounts for claims for the specified drugs; to benefit from drug price competition; and to use the Government’s huge volume purchasing power for the benefit of the taxpayer.” To the extent documents exist, Ven-A-Care will identify responsive documents by bates number.

As you can understand, it will require the devotion of significant time and resources on the part of Ven-A-Care and its counsel to provide the responses that we propose. Accordingly, we request Abbott’s agreement to our proposal before we expend those resources. We believe that our proposal fairly reflects the inquiries that, based upon our meet and confer, Abbott intended to make through the discovery

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requests at issue. While we believe that we could appropriately stand on our objections to the requests as written, we also believe that the compromise we propose is consistent with, what we hope, is Abbott's shared desire to expedite discovery in this matter. Please let us know if you agree to our proposal.

Sincerely,

/s/ Alison W. Simon
Alison W. Simon
For the Firm

cc: James J. Breen
Ana Maria Martinez
Justin Draycott